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5 UNITED STATES DISTRICT COURT
6 EASTERN DISTRICT OF WASHINGTON

7 RAMON MARISCAL ALVAREZ,

8 Plaintiff,

9 v.

10 ZAGARY Z. HELMS, Yakima Police
11 Officer; and THOMAS JEFFERSON,
Yakima Police Officer,

12 Defendants.

NO: 2:20-CV-0085-TOR

ORDER CLOSING FILE, DISMISSAL
WITHOUT PREJUDICE

13 BEFORE THE COURT is Plaintiff's purported Complaint (ECF No. 1) and
14 the Clerk's Notice of Deficient Filing (ECF Nos. 2, 3). Having reviewed the file
15 and the records contained therein, the Court is fully informed.

16 On March 2, 2020, Plaintiff filed a Complaint accompanied by an
17 attachment, Civil Cover Sheet, and Proposed Summons. ECF No. 1. The
18 Complaint was not accompanied by the required filing fee or an Application to
19 Proceed in District Court without Prepaying Fees or Costs. The Clerk of Court
20 provided notice of this deficiency to Plaintiff and warned him that the case is

1 subject to dismissal unless the fee or application was filed by March 16, 2020.
2 ECF Nos. 2, 3. Plaintiff was also advised that he did not properly sign his
3 Complaint. The first Notice of Deficiency included a form Application to Proceed
4 *In Forma Pauperis*, as well as a Complaint signature page. Plaintiff obviously
5 receive the Notice because on March 9, 2020, he returned the signature page to his
6 Complaint. ECF No. 4. Plaintiff did not comply with the filing fee or application
7 to proceed *in forma pauperis*.


8 Payment of a filing fee is required to institute a suit in the United States
9 District Courts, 28 U.S.C. § 1914, while the *in forma pauperis* statute allows the
10 courts to waive the filing fee for indigent persons, 28 U.S.C. § 1915. Failure to
11 comply with either provision for instituting a suit warrants dismissal of the action.
12 *See Rodriguez v. Cook*, 169 F.3d 1176 (9th Cir. 1999) (appeal dismissed for failure
13 to pay the filing fee or be eligible for *in forma pauperis* status).

14 **ACCORDINGLY, IT IS HEREBY ORDERED:**

15 This action is **DISMISSED without Prejudice**. The District Court
16 Executive is hereby directed to enter this Order and Judgment accordingly, furnish
17 copies to Plaintiff at his last known address, and **CLOSE** the file.

18 DATED March 24, 2020.




THOMAS O. RICE
Chief United States District Judge